

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER NO.88 OF 2006
IN
NOTICE OF MOTION NO.492 OF 2005
IN
S.C.SUIT NO.670 OF 2005
ALONG WITH
CIVIL APPLICATION NO.231 OF 2006

The Juhu Vile Parle Development
Co-op.Housing Association Ltd. ...Appellants
Versus
M/s.M.M.Corporation ...Respondent

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Mr.Janak Dwarkadas with Mr.Nishant Thakkar i/b
Mahenor Thakkar for Appellants.
Mr.B.R.Choudhari with Mr.N.G.Bhat for Respondent.

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CORAM: A.M.KHANWILKAR, J.
MARCH 10, 2006.

P.C.

1. Heard Counsel for the parties.

2. The entire controversy raised in this Appeal can be cut short if the Trial Court were to decide the main Notice of Motion finally on the next date of hearing which is scheduled as 27th March 2006.

3. It is therefore ordered that the Trial Court shall ensure that the Notice of Motion is heard and finally dispose of the same on 27th March 2006 being peremptory date, unless there is any other matter older than the subject Notice of Motion which is already directed to be heard expeditiously by the High Court or the Supreme Court. In that case, the Trial Court shall ensure that the Notice of Motion will be disposed of finally on or before 7th April 2006 at any rate. It is clarified that if the hearing of Notice of Motion remains inconclusive on 27th March 2006, the Court may proceed with the hearing on the following date and dispose of the Notice of Motion finally by hearing the same on day-to-day basis.

4. Counsel for the Respondent submits that

the Respondent intends to move a formal application before the Trial Court for impounding of subject document. Such application be moved on or before 16th March 2006, so that parties can exchange pleadings in response to the said application to be completed by 23rd March 2006. That Application will also be heard and if possible, be disposed of on 27th March 2006 along with the main Notice of Motion. All questions on merits are kept open.

5. Appeal as well as cognate Civil Application disposed of on the above terms.

6. Both parties through their Counsel assure that no adjournment on any count will be sought before the Trial Court and if such request is made, the Trial Court will be free to reject the same.

A.M.KHANWILKAR, J.